

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KRYSTAL K. LANCE,

Plaintiff,

v.

**ANDREW M. SAUL,
Commissioner of Social Security,**

Defendant.

Case No. 20-1287-DDC

MEMORANDUM AND ORDER

On October 20, 2020, plaintiff Krystal K. Lance filed a Complaint against the Commissioner of the Social Security Administration. Doc. 1. Her Complaint seeks judicial review under 42 U.S.C. § 405(g) of a decision of the Commissioner of the Social Security Administration denying benefits. *Id.* at 1–2. This matter comes before the court on plaintiff’s Application for Leave to File Action Without Payment of Fees, Costs, or Security. Doc. 4. Plaintiff has submitted an affidavit of financial status supporting her request. *Id.* at 2–7.

Under 28 U.S.C. § 1915(a)(1), the court may authorize a person to commence an action without prepayment of fees after the submission of an affidavit demonstrating an inability to pay. The court has broad discretion to grant or deny permission to proceed in forma pauperis. *United States v. Garcia*, 164 F. App’x 785, 786 n.1 (10th Cir. 2006). But the court cannot act arbitrarily or deny an application on erroneous grounds. *Id.* “[T]o succeed on a motion to proceed [in forma pauperis], the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005).

After reviewing plaintiff’s Complaint (Doc. 1) and financial affidavit (Doc. 4 at 2–7), the

court finds that plaintiff has made a sufficient showing that she is unable to pay the required filing fees and presents a nonfrivolous argument. The court thus grants plaintiff's request for leave to file this action without prepayment of fees, costs, or security under 28 U.S.C. § 1915(a)(1).

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's Application for Leave to File Action Without Prepayment of Fees, Costs, or Security (Doc. 4) is granted. The Clerk shall prepare a summons under Federal Rule of Civil Procedure 4 on plaintiff's behalf. The Clerk shall issue the summons to the United States Marshal or Deputy Marshal, who the court appoints under Federal Rule of Civil Procedure 4(c)(3), to effect service.

IT IS SO ORDERED.

Dated this 23rd day of October, 2020, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge